

UNITED STATES DISTRICT COURT

MIDDLE DISTRICT OF ALABAMA

In the Matter of the Seizure of

(Address or brief description of property to be seized)

APPLICATION AND AFFIDAVIT FOR SEIZURE WARRANT

2004 FORD F-150 XLT PICKUP TRUCK, VIN:
1FTPW12564KB91607

CASE NUMBER:

2:06mj 106-VPM

I, Joe Herman, being duly sworn depose and say:

I am a **TASK FORCE OFFICER** and have reason to believe that in the Middle District of Alabama there is now concealed a certain property, namely (describe the property to be seized)

2004 Ford F-150 XLT Pickup Truck, VIN: 1FTPW12564KB91607

which is (state one or more bases for seizure under United States Code)

subject to seizure and forfeiture under Title 21, United States Code. Section 881(a)

concerning a violation of Title 21, United States Code, Section 841

The facts to support a finding of probable cause for issuance of a Seizure Warrant are as follows: Please see attached Affidavit of Joe Herman.

Continued on the attached sheet and made a part hereof. ☒ Yes ☐ No



Signature of Affiant

Sworn to before me, and subscribed in my presence

OCTOBER 3, 2006 2:00 p.m.
Date

VANZETTA PENN MCPHERSON
United States Magistrate Judge
Name and Title of Judicial Officer

at Montgomery, Alabama
City and State


Signature of Judicial Officer

AFFIDAVIT

Affiant, Joe Herman, being duly sworn deposes and says:

- 1. He is an Alabama State Trooper Corporal, assigned as an agent for the Alabama Bureau of Investigation's Narcotics Operations Service, and detailed to the Major Investigation Team of the High Intensity Drug Trafficking Area Task Force (HIDTA), which are both located at the Investigative Operations Center in Montgomery, Alabama. Agent Herman is cross-designated and federally deputized by the United States Drug Enforcement Administration (DEA) which empowers him with authority under Title 21, United States Code. He has twenty-two years of law enforcement experience in which the past twelve have been extensively directed in narcotics investigations. The facts and information in this affidavit are based on Agent Herman's personal knowledge and the knowledge of other law enforcement officers.**
- 2. Based on the following information, your affiant has probable cause to seize a certain 2004, Ford F-150 XLT, black pick-up truck, Vehicle Identification Number 1FTPW12564KB91607, registered to Robert Timothy Cox, 8228 County Road 62, Lafayette, Alabama, Robert Timothy Cox is the father of Judson Marshall Cox who is the primary operator of said vehicle.**
- 3. Commencing on June 8, 2006, a confidential source recruited by your affiant telephoned Judson Cox in an attempt to initiate an undercover sale of "Ice" methamphetamine. The purchase of "Ice" was negotiated between the confidential source and Judson Cox during several telephone calls whereas COX would purchase an amount of "Ice" from the confidential source. These telephone**

conversations continued up to June 15, 2006, when Cox agreed to purchase one quarter pound of "Ice" methamphetamine. According to the agreement between the confidential source and Cox, Cox would pay the informant \$4100.00 and trade a stereo speaker worth \$900.00 in exchange for one quarter pound of "Ice" methamphetamine. As agreed upon, Cox was to meet the confidential source at a location in LaGrange, Georgia after work on June 15, 2006, where the drug transaction was to take place.

4. On Thursday, June 15, 2006, surveillance was established on Cox who was working at Burbank Crossing, a new subdivision located off of Burbank Drive in Montgomery, Alabama. At approximately 4:10pm, agents observed Cox leave his job site operating a 2004 black Ford pick-up truck bearing Alabama License plate 12B679V. Cox subsequently traveled north Interstate 85 towards the Georgia state line. Cox was eventually stopped by a Alabama State Trooper Charlton Martin near exit 66 at the direction of participating law enforcement agents. Pursuant to that traffic stop, Trooper Martin located \$4100.00 which he found in the center console of Cox's Ford pick-up truck. Moreover, after receiving consent to search Cox's truck, Trooper Martin found a stereo speaker that was still in the manufacture's carton.

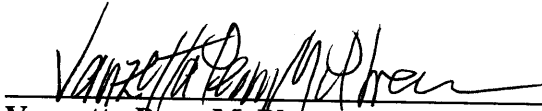
5. Alabama Bureau of Investigation Agent Robert Thornton responded to the scene of the traffic stop, interviewed Judson Cox, and seized the \$4100.00 located by Trooper Martin. During the interview, Cox told Trooper Thornton that he was on his way to pay his father \$2300.00 for transmission work for Judson Cox's truck, and that Cox also owed his father \$1700.00.

6. During the course of a related investigation that commenced in December 2004 into matters concerning the distribution of "Ice" methamphetamine in the Montgomery and Auburn, Alabama areas, several witnesses and confidential sources were developed and interviewed by your affiant. The information gleaned from those interviews identified Judson Cox as a major participant in a methamphetamine distribution ring responsible for the distribution of "Ice" methamphetamine in the Auburn and Montgomery, Alabama areas. As a result of that information, agents conducted surveillance of Cox on numerous occasions. That surveillance revealed Judson Cox is the primary custodian of the 2004 Ford pick-up truck which is identified in paragraph two of this affidavit.



Joe Herman, Agent
Alabama Bureau of Investigation

Sworn to and subscribed before me this, 3rd day of October, 2006.



Vanzetta Penn McPherson
United States Magistrate Judge